
STATUTORY INSTRUMENTS

1997 No. 2680

CRIMINAL LAW, NORTHERN IRELAND

**The Criminal Procedure and Investigations Act 1996
(Defence Disclosure Time Limits) Regulations 1997**

Made - - - - *4th November 1997*
Laid before Parliament *10th November 1997*
Coming into force - - *1st January 1998*

The Secretary of State, in pursuance of sections 12 and 77(2) and (4) of the Criminal Procedure and Investigations Act 1996(1), hereby makes the following Regulations:

1.—(1) These Regulations may be cited as the Criminal Procedure and Investigations Act 1996 (Defence Disclosure Time Limits) Regulations 1997 and shall come into force on 1st January 1998.

(2) These Regulations extend to Northern Ireland only.

(3) In these Regulations, the expression “the Act” means the Criminal Procedure and Investigations Act 1996.

2. Subject to regulations 4,5 and 6, the relevant period for section 5 of the Act (compulsory disclosure by accused) is a period beginning with the day on which the prosecutor complies, or purports to comply, with section 3 of that Act and ending with the expiration of 21 days from that day.

3. Subject to regulations 4,s and 6, the relevant period for section 6 of the Act (voluntary disclosure by accused) is a period beginning with the day on which the prosecutor complies, or purports to comply, with section 3 of that Act and ending with the expiration of 14 days from that day.

4.—(1) The periods referred to in regulations 2 and 3 shall, if the court so orders, be extended by so many days as the court specifies.

(2) The court may only make such an order if an application which complies with paragraph (3) below is made by the accused before the expiration of the periods referred to in regulations 2 and 3.

(3) An application under paragraph (2) above shall—

(a) state that the accused believes, on reasonable grounds, that it is not possible for him to give a defence statement under section 5 or, as the case may be, 6 of the Act during the periods referred to in regulations 2 and 3 respectively;

(b) specify the grounds for so believing; and

(c) specify the number of days by which the accused wishes that period to be extended.

(4) The court shall not make an order under paragraph (1) above unless it is satisfied that the accused cannot reasonably give or, as the case may be, could not reasonably have given a defence statement under section 5 or, as the case may be, 6 of the Act during the periods referred to in regulations 2 and 3 respectively.

(5) The number of days by which the periods referred to in regulations 2 and 3 may be extended shall be entirely at the court's discretion.

5.—(1) Where the court has made an order under regulation 4(1), the periods referred to in regulations 2 and 3 as extended in accordance with that order shall, if the court so orders, be further extended by so many days as the court specifies.

(2) Paragraphs (2) to (5) of regulation 4 shall, subject to paragraph (4) below, apply for the purposes of an order under paragraph (1) above as they apply for the purposes of an order under regulation 4(1).

(3) There shall be no limit on the number of applications that may be made under regulation 4(2) as applied by paragraph (2) above; and on a second or subsequent such application the court shall have the like powers under paragraph (1) above as on the first such application.

(4) In the application of regulation 4(2) to (5) in accordance with paragraph (2) above, any reference to the periods referred to in regulations 2 and 3 shall be construed as a reference to those periods as extended or, as the case may be, further extended by an order of the court under regulation 4(1) or paragraph (1) or (3) above.

6.—(1) Where the periods referred to in regulations 2 and 3 or those periods as extended or, as the case may be, further extended by an order of the court under regulation 4(1) or 5(1) or (3) would, apart from this regulation, expire on any of the days specified in paragraph (2) below, that period shall be treated as expiring on the next following day which is not one of those days.

(2) The days referred to in paragraph (1) above are Saturday, Sunday, Christmas Day, Good Friday and any day which under the Banking and Financial Dealings Act 1971(2) is a bank holiday in Northern Ireland.

Northern Ireland Office
4th November 1997

Marjorie Mowlam
One of Her Majesty's Principal Secretaries of
State

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which extend to Northern Ireland only, prescribe the relevant periods for sections 5 and 6 of the Criminal Procedure and Investigations Act 1996 (“the 1996 Act”) (which relate respectively to compulsory and voluntary disclosure by the accused in criminal proceedings).

Regulation 2 prescribes the day when the prosecutor complies with section 3 of the 1996 Act (primary disclosure by prosecutor) as the beginning, and the expiration of 21 days after that day as the end, of the relevant period for compulsory disclosure by the accused under section 5 of the 1996 Act.

Regulation 3 prescribes the day when the prosecutor complies with section 3 of the 1996 Act (primary disclosure by prosecutor) as the beginning, and the expiration of 14 days after that day as the end, of the relevant period for voluntary disclosure by the accused under section 6 of the 1996 Act.

Regulation 4 provides for the extension of those periods by the court, on application by the accused, if the court is satisfied that the accused could not reasonably have acted within the periods prescribed by regulations 2 and 3. There is no limit on the number of days by which the periods may be extended.

Regulation 5 provides for further extensions of those periods subject to similar conditions.

Regulation 6 provides for periods which end on specified days such as bank holidays and weekends to be extended so as to expire on the next day which is not one of those specified days.

No period is prescribed in these Regulations for section 3 or 7 of the 1996 Act (which relate to prosecution disclosure); the relevant periods for those sections are therefore governed by section 13 of the 1996 Act (transitional provisions).